

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Prisons Department - National Human Rights Commission – Case No.782/1/2/07-08-JCD/UC/M-2 - Death of Remand Prisoner J. Ramakrishna, S/o. Late Bayanna, Dharmavaram Sub Jail, Kurnool District on 11.09.2007– To be investigated by CB/CID –For furnishing the report in three weeks to National Human Rights Commission – Orders – Issued.

HOME (PRISONS.C.HRC) DEPARTMENT

G.O.Ms.No. 180

DATED: 06-07-2010

Read the following:-

1. U.O.Note No.1067/L&O-1/A1/2000-4, dated 30-10-2000 General Administration (Law & Order-1) Department
2. From the Asst. Regr. (Law), National Human Rights Commission, New Delhi, Lr. 02-12-2009, Dt. 26.04.2010 in Case No.782/1/2/07-08-JCD/UC/M-2, addressed to Chief Secretary to Government, Government of A.P, Hyderabad.
3. From the Director General and Inspector General of Prisons and Correctional Services, Andhra Pradesh, Hyderabad, Lr.No./SB3/993/2007, dated 22-01-2010.
4. Letter.No.35900/Pri.C.HRC/2009-2, dated 16-02-2010 Principal Secretary to Government, Home (Prisons) Dept A.P, Hyderabad.

ORDER:-

Based on the intimation received from the Superintendent, Sub-Jail, Dharmavaram (District Kurnool), about the death of the Remand Prisoner J. Ramakrishna, S/o. Late Bayanna, on 11-9-2007 in connection with Supreme Court No.126/07 u/s.307 IPC. The Commission directed the Chief Secretary to get the matter investigated by CB/CID.

2. The Remand Prisoner No.178 Janaki Ramakrishna @ Rajanna S/o Late Bayanna was remanded to Sub Jail, Dharmavaram on 6-7-2007 who involved in Cr.No.126/2007 of Dharmavaram Town Police Station U/s 307 IPC on the file of Judicial First Class Magistrate, Dharmavaram. The said remand prisoner was produced before the Court for his adjournment dates without fail i.e., 20-7-2007, 3-8-2007, 17-8-2007, 31-8-2007. He was also provided the Interviews only for two times during his two months stay in the Jail. For that two interviews mother, brother and his wife attended but his children not attended for the interviews.

3. During course of enquiry it is observed, the death prisoner never revealed any kind of illness or feelings to his associate prisoners who were confined with him in the cell since his admission to death. On 10-9-2007 as usual all the 50 prisoners were taken out for their nature calls in open guard, Sri K. Bhaskar Naik, Warder is the In-charge of the wall posting post and Sri M. Narayanaswamy, Head Warder is overall Supervising-In-Charge. All the prisoners after completion of their nature calls, when they are preparing to take their morning food. The deceased was also busy with all his associate prisoners to take his food. After taking some food, he went to wash his hands. After that he immediately at about 9-50 AM ran to the tree and suddenly climbed the tree and jumped by bending his head to the floor. At that time the wall posting duty Warder Sri K. Bhaskar Naik is not present in his post and he is moving in the same ground at other side of the wall. Sri M. Narayanaswamy, Head Warder went to toilet for urine. But the kitchen Warder was Sri Ramanji Naik, Warder immediately rushed to the tree and tried to catch the prisoner, but he could not restrict the prisoner. At that time one Head Constable, three Police Constables including the Sentry are watching the prisoner. Sri M. Thirupal, Sub Jail Superintendent, Dharmavaram was also present in the guard who is watching the prisoners from other side in Sub-jail. Soon after the incident occurred, staff and prisoners rushed to the place and shifted the prisoner who is unconscious to the gate and there by shifted the prisoner to Govt. Hospital, Dharmavaram with the help of 108 vehicle which is always at halt near to the Sub Jail.

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4. Later the prisoner was shifted to Government General Hospital, Anantapur on the advise of the Medical Officer, Govt. Hospital, Dharmavaram. As the prisoner is seriously injured while the prisoner is undergoing treatment at Govt. General Hospital, Anantapur the prisoner was referred to Govt. General Hospital, Kurnool. Even after efforts shown by the staff, the life of the prisoner could not be saved and he expired at Govt. General Hospital Kurnool on 11-9-2007. In this connection the case was registered against the death of the prisoner vide in F.I.R No.168/2007, dated 11-9-2007 u/s 176 Cr.P.C of Dharmavaram Town Police Station. The Post mortem was conducted on the body of the prisoner at Govt. General Hospital, Kurnool. The Circle Inspector of Police, Dharmavaram and Superintendent, Sub Jail, Dharmavaram, both attended to the post mortem and inquest. The dead body of the prisoner was handed over to the brother of the deceased prisoner after post mortem.

5. In this connection a detailed enquiry was conducted and found that the prisoner was mentally imbalanced, due to not release on bail. Even after granted bail in the Court the wife and his brother, Mother nobody shown interest in arranging sureties. The reluctance of the family members in taking him out on bail could not be tolerated by the prisoner. The prisoner in mentally disturbed condition, tried to committed suicide.

6. As a part of enquiry it is proved that if Sri K. Bhaskar Naik, Warder would not left the place of posting, he would have restricted the death of the prisoner while climbing the tree as the tree is near to his post. Sri M. Narayanaswamy, Head Warder also failed to supervise the movements of the prisoners, being a Head Warder he would have shown more seriousness in watching the movements of the prisoner but he failed to do so. Due to not performing legitimate duties by Sri K. Bhaskar Naik, Warder and Sri M. Narayanaswamy, Head Warder the death of the prisoner was occurred. They are responsible for the incident.

7. The Superintendent also failed in supervising the staff by strengthening the security of the prisoners.

8. Recorded the statements of the following staff and Police Guard including the associated prisoners on the death of the prisoner.

- 1) Sri M. Thirupal, (Dy. Jailer) Superintendent,
- 2) Sri M. Narayanaswamy, Head Warder
- 3) Sri K. Bhaskar Naik, Warder
- 4) Sri M. Ramanji Naik, Warder
- 5) Remand Prisoners. 1) A. Gangadhar UT No. 185,
2) S. Ramanjaneyulu UT No. 196, 3) Venkatesu UT No. 197, 4) Adeppa UT No. 191, Harijana Sivaiah, UT No. 145.
- 6) Sri K. Venkata Ramana, H.C. 458.
- 7) Sri Y. Salman Raju, P.C. 1429
- 8) Sri V. Nagaraju, P.C. 1799
- 9) Sri B. Prasad, P.C 495
- 10) Sri A. Mallikarjuna, PC 1241.

9. The Police men one, Sentry PC, 1 Head Constable, 3 Police Constables are in their duty in the opening guard but they also failed to restrict the incident. As per the A.P. Police Manual Part – I Volume – I order No. 362-1 it is clearly shown about the duties of Sub Jail Guard when prisoners are in open guard. Hence the Police are also equally responsible for the incident.

10. Hence a letter was also addressed to Sub-Divisional Police Officer, Dharmavaram to take necessary action against the Police who were deployed at Sub Jail, Dharmavaram for Sub Jail Guard.

11. In view of the above stated circumstances charges were framed against Sri K. Bhaskar Naik, Warder and Sri M. Narayanaswamy, Head Warder to initiate disciplinary action against them as per C.C.A Rules.

12. The Director General and Inspector General of Prisons and Correctional Services, Andhra Pradesh, Hyderabad, has informed that the prisoner has

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jumped from a tree and committed suicide. There was no instigation or any foul play on the part of Sub Jail staff in this incident. Further, there was no negligence or delay on the part of the jail staff in shifting the prisoner to hospital to save his life, after the incident. As a general rule investigation/enquiry by CBCID is ordered in very serious and most complicated cases attracting public attention and that too when there is a complaint from victims or public representatives. Since there are no serious lapses or allegations against Sub Jail Staff, The Director General and Inspector General of Prisons and Correctional Services, Andhra Pradesh, Hyderabad, is of the opinion that this issue is not required to be investigated by CBCID. Accordingly, Government of India has been informed vide letter dated 16-02-2010.

13. It is also submitted that the Assistant Registrar (Law), National Human Rights Commission, New Delhi, vide his letter dated 26-04-2010 is noticed that direction has already been issued by the Commission to get the matter investigated into by the CB CID. Under such circumstances the report of the Principal Secretary to Government, Andhra Pradesh cannot be accepted. The Principal Secretary to Government, Andhra Pradesh is directed to comply with the direction issued by the Commission and to submit a report about the outcome of the investigation within three weeks only. The Assistant Registrar (Law), National Human Rights Commission, New Delhi has therefore, requested that the complete report as directed by the Commission in the matter be sent latest by 18-06-2010 for further consideration by the Commission.

14. The Government after careful examination of the matter hereby order for investigation by the Additional Director General of Police, CB/CID, Hyderabad regarding the death of Janaki Ramakrishna in Sub-Jail, Dharmavaram, at Government General Hospital Kurnool which took place on 11-09-2007 as directed by National Human Rights Commission and to take immediate necessary action accordingly and submit a report in the matter. Copies of the references read above are furnished herewith.

15. The Director General and Inspector General of Prisons and Correctional Services, Andhra Pradesh, Hyderabad, is requested to take necessary steps to furnish the details of the documents to the Additional Director General of Police, CBCID, A.P., Hyderabad and also take necessary steps for ensuing speedy investigation including appointing a Nodal Officer, to assist the Additional Director General of Police, CBCID, A.P., Hyderabad as per the instructions issued in the U.O. Note first read above.

16. This orders issued with the concurrence of the Home (SC.B) Department vide their U.O.No.300/SC.B/A1/2010, dated 21-06-2010.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRAPRADESH)

AJAY MISRA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Additional Director General of Police, CBCID, Hyderabad. (w.e)
The Director General and Inspector General of Prisons and Correctional Services,
Andhra Pradesh, Hyderabad.

Copy to

The General Administration (HRC) Department.
The Home (SC.B) Department.
Law (E) Department
The Superintendent, Sub Jail, Dharmavaram, Kurnool District.
The Assistant Registrar (Law), Faridkot House, Copernicus Marg,
National Human Rights Commission, New Delhi.

//FORWARDED::BY ORDER//

SECTION OFFICER